

**REMARKS**

Claims 23-106 are pending in the application. Claims 23-106 stand rejected. Claims 23, 32, 37-38, 42-46, 60, 65-69, 83, 84, 88-91, 96, and 97 have been amended. No new matter has been added. Support for these amendments is provided in the originally-filed specification on pages 7-8, *inter alia*.

**Rejection of Claims under 35 U.S.C. § 103**

Claims 23-106 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beck, et al., U.S. Patent No. 6,332,154 (Beck), in view of Aditya, U.S. Patent No. 6,718,393. Applicants respectfully traverse this rejection.

Amended independent claim 23 is presented below:

An apparatus comprising:

a communication server for communicating with a communication channel, the communication server operable to:

handle an incoming communication received from the communication channel, the receiving the incoming communication being performed via a channel driver communicatively coupled to the communication channel, wherein the channel driver is operable according to the media type of the communication channel; and

cause an outgoing communication to be sent to the communication channel, wherein

*the communication server is further operable to communicate independently of a media type of the communication channel by virtue of being operable to use the channel driver (emphasis added).*

Independent claims 23, 37, 42, 44, 45, 60, 65, 67, 68, 83, 88, 90, and 91 have been amended to contain similar limitations indicating that the communication server (or components of the communication server) operates independently of a media type of the communication channel by virtue of being operable to use a channel driver.

With regard to the Beck reference, both Office Actions of January 6, 2005 and June 29, 2005 refer generally to the Customer-Interaction Network Operating System (CINOS) but do not specifically state any equivalent to the claimed communication server. (See Office Action dated January 6, 2005, page 2-3, paragraph 6, and Office Action dated June 29, 2005, page 2-3,

paragraph 6.) As in the previous response, Applicants have assumed for purposes of argument that the CINOS multi-media server 79 is equivalent to the communication server (a point that Applicants do not concede).

The Office Action cites Fig. 2 and column 10 lines 5-10 (describing Fig. 2) of Beck as showing the claim limitation “wherein the communication server is further operable to communicate independently of a media type of the communication channel.” Applicants respectfully disagree. Fig. 2 does not show a communication server or the assumed equivalent multi-media server 79. Instead, Fig. 2 shows layers of the CINOS network operating system, including an external media layer 83, a workflow layer 85, and an internal media layer 87. Applicants respectfully point out that these layers show that *media type-specific communication is handled by the underlying network operating system CINOS*.

Applicants have amended claim 23 (and other independent claims) to clarify that the communication server operates independently of the media type because it is configured to use the channel driver to provide media type-specific communication. Because multi-media server 79 operates within a network operating system that handles media type-specific communication via communication channels, multi-media server 79 does not need to be operable to communicate independently of the media type of the communication channel. In fact, Applicants believe that if multi-media server 79 were to be modified to enable it to communicate independently of the media type (such as by configuring it to use a channel driver), any such modification would have no effect upon operation of the multi-media server 79. Media type-specific code added to multi-media server 79 would serve merely to complicate the system and possibly interfere with its operation, as no media type-specific information is communicated directly between multi-media server 79 and communication channels.

Furthermore, Applicants have asserted that they do not believe that a channel driver would even be used in the CINOS system. Because both server- and client-side software operate within a common network operating system, interfaces to known internal communication channels could be provided without the need for a channel driver to “translate” channel-specific communication. Applicants also believe that introduction of an interface to a channel driver

within multi-media server 79 would also complicate the system without adding to its functionality since the operating system handles any media type-specific communication.

In addition to the fact that the Beck reference does not teach all limitations of the claimed communication server, the Aditya reference does not teach the limitations for which it is cited. The Office Action cites item 225 of Fig. 3 of Aditya (adaptive driver software) as the channel driver. However, Aditya describes the adaptive driver software as being “capable of implementing a dynamic load balancing scheme that takes into account packet characteristics associated with the data traffic load before dynamically distributing the data among multiple communication channels.” (See Aditya, column 3, lines 47-54.) These packet characteristics are described as “channel traffic parameters to ascertain which channel has a lesser data traffic load.” (See Aditya, column 7, lines 13-27.)

The Office Action states that the support that the adaptive driver software operates according to the media type of the packets is provided by the example “data” and “type of data” fields in the packet, which are asserted to “define the media type.” (See Office Action dated June 29, 2005, page 3, paragraph 6.) Applicants can find no support for this interpretation in the cited sections of Aditya. In addition, Aditya describes the load balancing as being based upon data traffic parameters. Applicants respectfully assert that the load is likely to be balanced between communication channels that are of the same media type (i.e., capable of handling the same packets).

Even if Aditya can be said to provide support for the adaptive driver server operating according to a media type of the packets, Applicants respectfully assert that a prima facie case of obviousness has not been made. As described above, no motivation exists to combine the Beck and Aditya references because within the CINOS environment, media type-specific communication is handled by the underlying operating system. The adaptive driver software of Aditya would therefore be redundant and modification of the multi-media server 79 of Beck to provide an interface to adaptive driver software 225 of Aditya would serve only to complicate the system while providing no added functionality.


Each of independent claims 37, 42, 44, 60, 65, 67, 83, 88, 90, 91, 96, and 97 is rejected for the same reasons as the rejection to claim 23 alone or for the same reasons as the rejection of a combination of claim 23 with one or more of its dependent claims. (See Office Action dated June 29, 2005, respective paragraphs 20, 24, 27, 32, 34, 36, 38, 38, 38, 39, 40, and 41.) Independent claim 23 has been shown to be allowable over the Beck and Aditya references, either standing alone or in combination. Consequently, independent claims 37, 42, 44, 60, 65, 67, 83, 88, 90, 91, 96, and 97 and their respective dependent claims are allowable for at least these reasons.

In conclusion, each of claims 23-106 has been shown to be allowable over the teachings of Beck and Aditya, either standing alone or in combination.

### CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on August 29, 2005.

  
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8/29/05  
Date of Signature

Respectfully submitted,



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